IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Bail Appl..No. 7359 of 2006()

Cr. No. 103/05 of Thiruvambadi Police Station

PETITIONERS/ACCUSED
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1. BINEESH, S/O.JOSEPH,
CHENNAMKULATH HOUSE, KODIYATHOOR AMSOM,
PANNIKODU DESOM.

2. ANNA, W/O.JOSEPH,
CHENNAMKULATH HOUSE, KODIYATHOOR AMSOM,
PANNIKODU DESOM.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT AND STATE
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1. THE SUB INSPECTOR OF POLICE,
THIRUVAMBADI POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7359 of 2006

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DATED: 12-12-2006

O R D E R

Petitioners who are accused Nos. 2 and 1 respectively in Crime No. 103/05 of Thiruvambadi Police Station for offences punishable under Sections 420, 406 and 468 read with Sec. 34 I.P.C. , seek anticipatory bail.

2. As per Annexure I order passed by the learned Sessions Judge, Kozhikode, in an application filed by the petitioners for anticipatory bail it is ordered that it is not a fit case for grant of anticipatory bail and the petitioners were directed to surrender before the Magistrate within two weeks and seek regular bail. But during the said period of two weeks, the petitioners were virtually granted anticipatory bail. The grievance of the petitioners is that they were not arrested during the said period of two weeks and the learned Magistrate does not construe the order passed by the Sessions Judge to be one granting anticipatory bail.

3. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that the petitioners can be granted anticipatory bail but on appropriate conditions safeguarding the interest of the prosecution.

4. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioner on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

Sd/-V.RAMKUMAR,
JUDGE.

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